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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/663,627  | 09/16/2003  | Dan Kesner Carter    | 1555.021US1         | 1924             |
| 21186   | 7590        | 11/21/2006           | EXAMINER            |                  |
| SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.<br>P.O. BOX 2938<br>MINNEAPOLIS, MN 55402 |             |                      | LEVI, DAMEON E      |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2841                |                  |

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/663,627

Applicant(s)

CARTER ET AL.

Examiner

Dameon E. Levi

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/11/2005(Amendment 08/15/2006 PET DEC).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____                                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                           |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States..

**Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Cannella, Jr. et al US Patent 6144561.**

Regarding claim 1, Cannella, Jr. et al discloses a system comprising:

a chassis(element 14, Figs 1-10);

an embedded backplane(element 32, Figs 1-10) positioned within the chassis and

adapted to receive a plurality of daughter boards(element 18, Figs 1-10); and

a replaceable module(element 15a-15h, Figs 1-10) positioned proximate to the

embedded backplane and adapted to receive the daughter boards, wherein the

replaceable module includes one or more data paths(element 50, 50a, 50b, 50c Figs

1-10), wherein each data path transfers data between two or more daughter boards;

wherein the embedded backplane and the replaceable module are configured such that

data transfer bandwidth can be added between the two or more daughter boards

without replacing the embedded backplane(see Abstract).

Moreover, the recitation that an element is "adapted to" or, "configured to" perform a function is not a positive limitation but only requires the ability so to do. However, the prior art of record is deemed as possessing the claimed ability since the elements for performing the function are taught therein.

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Regarding claim 2, Cannella, Jr. et al discloses wherein the chassis (element 14, Figs 1-10) is adapted for receiving both the embedded backplane and the replaceable module.

Moreover, the recitation that an element is "adapted to" or, "configured to" perform a function is not a positive limitation but only requires the ability so to do. However, the prior art of record is deemed as possessing the claimed ability since the elements for performing the function are taught therein.

Regarding claim 3, Cannella, Jr. et al discloses wherein the embedded backplane (element 32, Figs 1-10) is positioned between the daughter boards (element 18, Figs 1-10) and the replaceable module (element 15a-15h, Figs 1-10).

Regarding claim 4, Cannella, Jr. et al discloses herein at least one of the daughter boards includes a connector (element 24, Figs 1-10) adapted to extend through the embedded backplane and into the replaceable module.

Moreover, the recitation that an element is "adapted to" or, "configured to" perform a function is not a positive limitation but only requires the ability so to do. However, the prior art of record is deemed as possessing the claimed ability since the elements for performing the function are taught therein.

Regarding claim 5, Cannella, Jr. et al discloses wherein the embedded backplane includes a plurality of openings (element 37, Figs 1-10), and wherein the replaceable module is configured to receive the daughter boards via the plurality of openings.

Moreover, the recitation that an element is "adapted to" or, "configured to" perform a function is not a positive limitation but only requires the ability so to do. However, the

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prior art of record is deemed as possessing the claimed ability since the elements for performing the function are taught therein.

Regarding claim 6, Cannella, Jr. et al discloses wherein the chassis includes an opening (element 39, Figs 1-10) proximate to the embedded backplane for accessing the replaceable module.

Regarding claim 7, Cannella, Jr. et al discloses wherein at least one of the daughter boards includes a first connector (element 22, Figs 1-10) adapted to connect to the embedded backplane and a second connector (element 24, Figs 1-10) adapted to connect to the replaceable module.

Moreover, the recitation that an element is "adapted to" or, "configured to" perform a function is not a positive limitation but only requires the ability so to do. However, the prior art of record is deemed as possessing the claimed ability since the elements for performing the function are taught therein.

Regarding claim 8, Cannella, Jr. et al discloses wherein the embedded backplane (element 32, Figs 1-10) is in signal communication with the replacement module (element 15a, Figs 1-10).

Regarding claim 9, Cannella Jr. et al discloses wherein the replaceable module is a replaceable backplane (elements 15a-h, Figs 1-10).

Regarding claim 10, Cannella Jr. et al discloses wherein the replaceable backplane includes a plurality of general purpose slots (elements 34, Figs 1-10), wherein each general purpose slot is adapted to receive a daughter board.

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Moreover, the recitation that an element is "adapted to" or, "configured to" perform a function is not a positive limitation but only requires the ability so to do. However, the prior art of record is deemed as possessing the claimed ability since the elements for performing the function are taught therein.

Regarding claim 11, Cannella Jr. et al discloses further comprising a router card (elements 60, Figs 1-10) connected to one of the general purpose slots, wherein the router card is adapted to control the flow of data through the replaceable module.

Moreover, the recitation that an element is "adapted to" or, "configured to" perform a function is not a positive limitation but only requires the ability so to do. However, the prior art of record is deemed as possessing the claimed ability since the elements for performing the function are taught therein.

Regarding claim 12, Cannella Jr. et al discloses wherein the replaceable module further includes first and second sets of data transfer paths(elements 50a, 50b, Figs 1-10) connecting each general purpose slot and the router card, wherein the first set of data transfer paths is adapted to transfer data from each general purpose slot to the router card, and wherein the second set of data transfer paths is configured to transfer data from the router card to each general purpose slot.

Moreover, the recitation that an element is "adapted to" or, "configured to" perform a function is not a positive limitation but only requires the ability so to do. However, the prior art of record is deemed as possessing the claimed ability since the elements for performing the function are taught therein.

Regarding claim 13, Cannella, Jr. et al discloses a module comprising:

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a body portion(element 15, Figs 1-10), wherein the body portion includes a plurality of data paths;

a plurality of connections (element 50a-50h, Figs 1-10), in communication with the data paths for connecting at least one of the data paths to two or more printed circuit boards(element 18, Figs 1-10), such that one of the printed circuit boards can transfer data to another of the printed circuit boards across the data path; and alignments means (element 45a, 45b, Figs 1-10), for positioning the module with respect to the backplane, wherein the alignment means is configured such that data transfer bandwidth can be added between the two or more daughter boards plugged into the embedded backplane without replacing the embedded backplane(see Abstract).

Moreover, the recitation that an element is "adapted to" or, "configured to" perform a function is not a positive limitation but only requires the ability so to do. However, the prior art of record is deemed as possessing the claimed ability since the elements for performing the function are taught therein.

Regarding claim 14, Cannella, Jr. et al discloses wherein the connections are positioned on the module to correspond to openings(elements 37, Figs 1-10) in the embedded backplane.

Regarding claim 15, Cannella, Jr. et al discloses further comprising connection means(elements 40, Figs 1-10) for connecting at least one router board to each printed circuit board via at least one data path.

Regarding claim 16, Cannella, Jr. et al discloses further comprising connection means(elements 40, Figs 1-10) for connecting a router board to each printed circuit

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board via first and second data paths, wherein the first data path is adapted to transfer data from the printed circuit board to the router board, and wherein the second data path is adapted to transfer data from the router board to the printed circuit board.

Moreover, the recitation that an element is "adapted to" or, "configured to" perform a function is not a positive limitation but only requires the ability so to do. However, the prior art of record is deemed as possessing the claimed ability since the elements for performing the function are taught therein.

Regarding claim 17, Cannella, Jr. et al discloses wherein the first and second data paths each comprise a pair of signal lines(see Fig 4).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



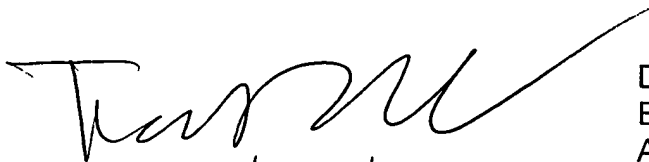
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dameon E. Levi whose telephone number is (571) 272-2105. The examiner can normally be reached on Mon.-Fri. (9:00 - 5:00) IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



11/04/06

Dameon E Levi  
Examiner  
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